

FOR COURT USE ONLY

ROD DANIELSON, Chapter 13 Trustee
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Chapter 13 Trustee

**UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA - RIVERSIDE DIVISION**

IN RE

Maximo Arturo Arriola

DEBTOR

CHAPTER 13
CASE NO. 6:22-bk-13643-SY

**TRUSTEE'S OBJECTION TO PLAN
CONFIRMATION AND REQUEST FOR
DISMISSAL OR CONVERSION TO CHAPTER 7**

341A DATE/TIME: November 02, 2022 9:00 am

CONF DATE/TIME: December 06, 2022 1:30 pm

**3420 Twelfth St.
Courtroom: 302**

The Chapter 13 Trustee hereby objects to confirmation of the plan in this case for the reasons set forth in Attachment A, incorporated herein by this reference. The Trustee objects to the plan to the extent that it fails to comply with the mandatory provisions of the bankruptcy code, including but not limited to 11 U.S.C. §1322 and §1325, and any provisions governing disposable income, plan duration, and good faith. The Trustee reserves the right to raise other objections in the course of plan confirmation.

Debtors and counsel are reminded:

1. Failure to appear and prosecute this case at any confirmation hearing or initial or continued meeting of creditors may result in dismissal of the case, including dismissal with a 180-day bar to re-filing. 11 U.S.C. §1307(c), LBR 3015-1(c) and (d), 11 U.S.C. §109(g)(1).
2. Failure to pay all required plan and mortgage payments timely and in the required amounts may result in dismissal of the case, including dismissal with a 180-day bar to re-filing. LBR 3015-1(e) and (k)(4), 11 U.S.C. §§1326(a), 109(g)(1).
3. Debtor is required to cooperate with the Chapter 13 Trustee. 11 U.S.C. §521(3).
4. Any additional documents required to be submitted or requested by the Trustee herein or otherwise must be received by the Trustee not later than 5 business days following the initial 341(a) meeting of creditors.

WHEREFORE, the Chapter 13 Trustee hereby moves this court for its order denying confirmation and dismissing this case, including dismissal with a 180-day bar to re-filing, or converting the case to chapter 7, if appropriate.

DATED: November 03, 2022

/s/ Rod Danielson
Chapter 13 Trustee

ATTACHMENT A - ARRIOLA

**Declaration of Rod Danielson in Support For
Objection to Plan Confirmation and Request Dismissal**

The Chapter 13 Trustee hereby objects to confirmation of the plan and requests dismissal or conversion of this case on the following grounds and for the following reasons:

The October plan payment was not made by the Debtor (s). [LBR 3015-1(k)(1)(A)]

Debtor is not proposing this plan in good faith unless the Debtor agrees to conduit payments made by the Trustee to the lender directly because the Debtor has approximately \$92,563 in mortgage arrears listed in the plan. The conduit payment will be calculated by the Trustee at the time of confirmation and does not need to be included in an amended plan. The Debtor (s) must continue to make mortgage payments directly to the lender until the plan is confirmed. [11 U.S.C. §1325(a)(3)]

Debtor failed to file the 2021 tax return in violation of 11 U.S.C. §1308(a) and needs to provide a copy to the Trustee after it is filed. [LBR 3015-1(c)(3)]

Debtor(s) failed to provide proof of income from all sources, which includes: court approved contribution declaration with budget and contributor's proof of income attached for all contributions listed on Schedule I (must be filed with the court). [LBR 3015-1(c)(3)]

The Debtor has exceeded the statutory exemption limits by taking a \$580,000 homestead exemption on Schedule C. Schedule C must be amended.

The Statement of Financial Affairs fails to list income for 2020, 2021, and 2022 YTD in #4 and #5.

I declare under penalty of perjury that the foregoing is true and correct. Signed and dated at Riverside, California on 11/03/2022.

/s/ Rod Danielson
Chapter 13 Trustee

In re: MAXIMO ARTURO ARRIOLA	Chapter: 13
Debtor(s)	Case Number: 6:22-bk-13643-SY

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is 3787 University Avenue, Riverside, CA 92501.

A true and correct copy of the foregoing document entitled: **TRUSTEE'S OBJECTION TO PLAN CONFIRMATION AND REQUEST FOR DISMISSAL OR CONVERSION TO CHAPTER 7** will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner indicated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING ("NEF") - Pursuant to controlling General Orders LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On **11/03/2022**, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

US Trustee: ustpreion16.rs.ecf@gov.com
BEN@NEXUSBK.COM

☐ Service Information continued on attached pa

2. SERVED BY UNITED STATES MAIL:

On **11/03/2022**, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than

Debtor
MAXIMO ARTURO ARRIOLA
4199 9TH STREET
RIVERSIDE, CA 92501

☐ Service Information continued on attached pa

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served): Pursuant to F.R.Civ.P.5 and/or controlling LBR, on **11/03/2022**, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal

HONORABLE SCOTT H. YUN
3420 TWELFTH STREET,
COURTROOM 302
RIVERSIDE, CA 92501-3819

☐ Service Information continued on attached pa

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

11/03/2022

Date

Susan Jones

Type Name


Signature